

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
)
v.) No. 3:03-CR-116-01
) Judge Phillips
DONALD LEWIS CURETON)

MEMORANDUM AND ORDER

Defendant Donald L. Cureton has filed a petition for early termination of supervised release [Doc. 68]. In support of his motion, defendant states that he served 13 years, 2 months and 28 days in prison and was released on December 30, 2016. He is currently serving a three-year term of supervised release and has served more than half of his term. Defendant states that he has complied with all the requirements of supervision. He is currently receiving Social Security disability income for various medical issues. Defendant states that he has successfully transitioned back into the community and requests to be released from supervision.

The record reflects that defendant pled guilty to one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g), and one count of contempt of court, in violation of 18 U.S.C. § 401. On March 30, 2005, the defendant was sentenced to a total term of imprisonment of 180 months, to be followed by a five-year term of supervised release [Doc. 40]. Following a successful petition for relief under 28 U.S.C. § 2255, the defendant's sentence was reduced to a "time served" sentence, to be followed by three years of supervised release [Docs. 66, 67].

The United States Probation Office states that defendant has served over two years of his term of supervision without any issues. Thus, the Probation Office does not object to his request for early termination. Similarly, the government does not oppose defendant's request for early termination.

After considering the factors set forth 18 U.S.C. § 3553(a), the Court may terminate a term of supervised release and discharge the defendant after the expiration of one year of supervised release if the Court "is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). After carefully considering the requirements of the statute, the Court finds the relevant portions of 18 U.S.C. § 3553(a) support an early termination of defendant's supervised release. In support of this determination, the Court notes that defendant has completed over half of his term of supervised release and he has been in full compliance with the conditions of his supervision. In addition, his supervising probation officer and the government do not oppose the request. It appears to the Court that defendant has rehabilitated himself and he poses no threat to any individual or the community to reoffend. Accordingly, pursuant to 18 U.S.C. § 3583(e)(1), based on the defendant's conduct and the interests of justice, defendant's motion for early termination of supervised release [Doc. 68] is **GRANTED**. Defendant's term of supervised release is **TERMINATED**.

IT IS SO ORDERED.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE